

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 9th day of November 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Donald Bollin-President</b>	<b>Jay Lambert</b>
	<b>JoAnne Arruda-Vice President</b>	<b>Cecil E. Leonard</b>
	<b>Hannibal Costa</b>	<b>Edward Roderick</b>
	<b>Louise Durfee - Absent</b>	

Town Administrator, James C. Goncalo      Attorney Ursillo in attendance for Solicitor Teitz

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin read the items on the Consent Agenda.

Conservation Chair Tom Ramotowski requested removal of item A-2a, Conservation Commission from the Agenda. Councilor Roderick requested removal of item A-3b, a Proclamation request from Aquidneck Island Chapter, Daughters of the American Revolution.

Councilor Leonard made a motion, seconded by Councilor Costa to approve the remaining items on the Consent Agenda as read. Motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA:**

**A-1-Approval of Minutes of Previous Meetings:**

- a. Approval of Minutes from October 26, 2009 Regular Council Meeting
- b. Approval of Executive Session Minutes from October 26, 2009

**A-2-Receipt of Minutes from Various Board and Commissions:**

- b. Wastewater Management Commission (2)
- c. Prevention Coalition

**A-3-Correspondence:**

- a. Received From North Providence Town Council, Westerly Town Council, North Smithfield School Committee and Cumberland Town Council – Resolutions Opposing Binding Arbitration on Monetary Matters for School Teachers
- c. Received From Conservation Commission Regarding Main Road Property
- d. Received From Representative John Edwards Regarding Release of CDBG Funds
- e. Received From RI Ethics Commission Requesting Comment on General Commission Advisory Relating to Participation in Unions
- f. Petitions Received From Residents Regarding Quarry Property on Brayton Road – Referred to Zoning Officer and Solicitor
- g. Received From Stone Bridge Fire District Regarding Land Donation for Proposed Soccer Complex
- h. Received From Four corners Merchants Association – Referred to EDC and Town Planner

**A-4-Approval for December 14<sup>th</sup> Public Hearing on Pay As You Throw Program**

## **A-5-Approval of Meeting schedule for 2010**

### **Receipt of Minutes from the Conservation Commission**

Conservation Commission Chairman Tom Ramotowski requested removal of these unapproved draft minutes.

Councilor Leonard made a motion, seconded by Councilor Roderick to remove the receipt of minutes from the agenda. Motion passed unanimously.

### **Correspondence Received From Daughters of the American Revolution Regarding Native American Heritage Month Proclamation**

Councilor Roderick requested removal of this item so a Proclamation could be issued. The Proclamation was as follows:

#### **AMERICAN INDIANS COMMITTEE PROCLAMATION NATIONAL AMERICAN INDIAN HERITAGE MONTH**

**Whereas**, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

**Whereas**, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today, and

**Whereas**, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

**Whereas**, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

**Whereas**, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned;

**Now Therefore**, I, Donald Bollin, by virtue of the authority vested in me as Town Council President of the Town of Tiverton do hereby proclaim November as the National American Indian Heritage Month, in the Town of Tiverton and urge all our citizens to observe this month with appropriate programs, ceremonies and activities.

**In Witness Whereof**, I have hereunto set my hand and caused the Seal of the Town of Tiverton to be affixed this 9<sup>th</sup> day of November the year of our Lord two thousand nine

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Donald Bollin, Town Council President

Councilor Arruda made a motion, seconded by Councilor Leonard to pass the Proclamation as read. Motion passed unanimously.

## **REPRESENTATIVE JOHN G. EDWARDS – DISCUSSION ON STATUS OF LEGISLATION**

Representative John Edwards briefed the Council on Legislation relative to the Town of Tiverton. The Town Charter as amended was passed and approved by the General Assembly and bills relating to the Stone Bridge Fire District were also passed. There is no bill before the legislature on Binding Arbitration but it is being worked on. The priority for the upcoming legislative session will be the economy. Pre-filing for bills starts November 6<sup>th</sup>, any requests from the Council at behest of the Town, should be submitted before the March 1<sup>st</sup>. Any bills requested by the Town will be forwarded to Senators Loughlin and Felag for companion legislation.

President Bollin wanted relief from mandatory minimum staffing and noted after the Town budget passed there were more cuts from the governor, taking money from the Town, although the Town did not get any relief. Rep. Edwards informed the Council there were no State mandates for minimum staffing, up to individual municipalities to negotiate with unions. This term Chapter 45 pertaining to municipal retirement will be reviewed. Not inclined to let the Governor take away the Motor Vehicle tax. Will look at State mandates as a group, would like feedback from the Town.

Councilor Leonard noted the lack of a firm funding formula for education. Rep. Edwards noted looking at that formula was part of the overall plan, however Tiverton and Portsmouth might not fare well. Councilor Costa inquired about legislative efforts regarding Weaver's Cove. Representative Gallison from Portsmouth is an *intervener* for the Town, should call him with any questions.

**PUBLIC HEARINGS- ADVERTISED:**

**Town Planner – Advertised Public Hearing on Enterprise Zone Re-designation**

Council President Bollin opened the Public Hearing on Enterprise Zone Re-designation for comments from the public. Town Planner Chris Spencer noted there were no major changes, the designation was good for five years and is set to expire December 31<sup>st</sup>. President Bollin read the Resolution, Mr. Spencer noted two typos that needed to be corrected, the spelling of Rode, should be Rhode and in #1 December 31,1999 should 2009. President Bollin closed the Public Hearing at this time, there being no other comments. The Resolution was as follows:

**TOWN OF TIVERTON, RHODE ISLAND  
RESOLUTION OF THE TIVERTON TOWN COUNCIL  
AUTHORIZING IN CONJUNCTION WITH  
THE TOWN OF PORTSMOUTH  
TO BE RE-DESIGNATED AN ENTERPRISE ZONE**

**WHEREAS**, the Enterprise Zone Program has been of great benefit to business growth in Tiverton since 1995;  
and

**WHEREAS**, the Tiverton/Portsmouth Enterprise Zone is set to expire on December 31, 2009 unless renewed,  
and

**WHEREAS**, the Town of Tiverton wishes to extend its Enterprise Zone Program through December 31, 2014,

**NOW, THEREFORE, BE IT RESOLVED:** That the Town of Tiverton shall apply for continued participation in the Rhode Island Enterprise Zone Program.

**BE IT FURTHER RESOLVED:** That the Town shall:

- 1.) Extend its Property Tax Stabilization program, currently set to expire on December 31, 2009, through December 31, 2014,
- 2.) Continue the programs and projects in the Course of Action detailed in the 1994 Enterprise Zone Application for Designation, including
  - a.) Efforts to revitalize the North Tiverton commercial area;
  - b.) Expansion of sewer lines into the North Tiverton area; and
  - c.) Continued development of the Tiverton Industrial Park

**IN COUNCIL, READ AND ADOPTED**, November 9, 2009

ATTEST:

Nancy L. Mello, Town Clerk

Councilor Costa made a motion, seconded by Councilor Roderick to adopt the Resolution of the Tiverton Town Council Authorizing in Conjunction with the Town of Portsmouth to be Re-Designated An Enterprise Zone. Motion passed unanimously.

**UNFINISHED BUSINESS:**

**Tiverton Power, Inc. Attorney Richard A. Sherman – Proposed Amendment to the Town Zoning Map Continued From August 24th Council Meeting Tiverton Power Inc. Request Public Hearing be Tabled**

Councilor Roderick made a motion, seconded by Councilor Costa to honor Tiverton Power Inc. request to table their Proposed Amendment to the Zoning Map. Motion passed unanimously.

**Landfill/Recycle Committee –Request Public Hearing to Amend Ordinance and Fee Resolution to Include Fee for Couch and Stuffed Chair Recycling Scheduled For November 23 Be Tabled Per Request of Landfill/Recycle Committee**

Councilor Arruda made a motion, seconded by Councilor Lambert to table the request for a Public Hearing to amend Ordinance and Fee Resolution for Couch and Stuffed Chair recycling at the request of Landfill/Recycling Committee. Motion passed unanimously.

**NEW BUSINESS:**

**Town Administrator – Request Public Hearing on December 14 to Establish a Tax Incentive Program for New and/or Expanding Local Business**

Administrator Goncalo request for a Public Hearing to Establish a Tax Incentive Program was tabled for the time being as the Assessor and Town Planner wanted to have more input. Economic Development Commission (EDC) Chair Len Schmidt informed the Council this was a work in progress and what was now before the Council was the essence of the program. Attorney Mike Ursillo noted the Solicitor had received the draft, needs quite a few substantive changes, table now, review in a timely manner, hopefully back on the agenda in January.

Councilor Leonard made a motion, seconded by Councilor Costa to table the Request for a Public Hearing to Establish a Tax Incentive Program until a final proposal was completed. Motion passed unanimously.

**Town Administrator – Request Public Hearings for December 14th**

**a. Amend Fee Resolution for Mooring Fees**

**b. Ordinance Amendment Chapter 14**

Councilor Leonard motioned to set a Public Hearing for December 14<sup>th</sup>, unless there is a conflict, on the request for Amendments to the Fee Resolution and Mooring Ordinance. Seconded by Councilor Roderick motion passed unanimously.

**TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

1. Received a letter from Lee Richardson congratulating the Harbor Master, David Vannier, on a job well done. Mr. Richardson lost steering in his boat, was drifting towards shore, called the Coast Guard who were en route but farther away. The Harbor Master contacted Mr. Richardson, arrived in a couple of minutes with towropes to secure the vessel. Thanked the Harbor Master for bringing him and his boat to safety.
2. Expect to get Budget requests by Friday.
3. Ranger School received the H1N1 Vaccine 11/4/09. Two hundred twenty (220) children were given the vaccine. Would like to thank the 15 EMA volunteers who made it possible.
4. Tax Sale, ten properties received bids while six did not.
5. There will be a meeting of the Sakonnet Bridge Committee tomorrow at 3:00 p.m. here at the Town Hall. Representatives from the DOT and Cardi Corporation will be present to answer questions.
6. Next Monday Congressman Patrick Kennedy will visit at 9:00 a.m. and tour the Industrial Park.

**COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Costa questioned if the Town would purchase the tax sale properties that received no bid. Attorney Ursillo noted that after one year, if the Town so desired they could purchase those properties.

Councilor Roderick questioned Treasurer Philip DiMattia about investments, particularly with regard to the Bay Street clean up funds. Wanted to know how much the \$500,000 was earning for the Town. Treasurer replied the funds were in a separate Money Market account earning .45%. Councilor Roderick noted there must be other instruments earning more money. The Treasurer replied he was looking at T-bills and government bonds and other banks being limited to twelve-month investment. Stated he is getting best available rate, if anyone had better suggestions should contact his office. Councilors were concerned with the small amount of interest the Town was getting, need to earn as much as possible in this economic climate. Councilor Roderick requested the Treasurer provide the Council with a report update on the investment. Treasurer stated no problem with updating Council.

**TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

**a. Decision Regarding US Court of Appeals for the First Circuit on Weaver's Cove**

**b. Response From US Coast Guard Regarding Weaver's Cove**  
**c. Response From US Coast Guard to Fall River Regarding Weaver's Cove**

Attorney Ursillo wanted to bring attention to the updates in conjunction with Weaver's Cove. Several fronts are being attacked, just shows how difficult it is to slow this down. The report indicates CRMC did not meet the timeline, however the order does not apply to the Massachusetts equivalent of CRMC. The next step would be the United States Supreme Court. Two items of note-there is a chance with the Captain of the Coast Guard, this decision can be appealed within 30 days and we will file an appeal. Representative Gallison from Portsmouth is very involved with this issue and will continue to exercise any and all legal remedies. Will continue to update the Council with any developments.

**CLOSED EXECUTIVE SESSION:**

**1. Town Council – 42-46-5(a)(1)-Personnel – Town Administrator – Notice Sent**

**2. Town Administrator – 42-46-5(a)(2) - Collective Bargaining-Teamsters, IAFF & IBPO**

**3. Town Solicitor - Litigation – 42-46-5(a) (2)**

Councilor Arruda made a motion, seconded by Councilor Lambert to enter into Executive Session pursuant to 42-46-5(a)(1)-Personnel-Town Administrator – Notice Sent. Motion passed unanimously.

Councilor Arruda made a motion, seconded by Councilor Roderick, to remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining-Teamsters, IAFF & IBPO. Motion passed unanimously.

Councilor Arruda made a motion, seconded by Councilor Leonard to further remain in Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed unanimously.

The Council entered into Executive Session at approximately 7:45p.m.

The Council returned to Open Session at approximately 9:20p.m.

**OPEN SESSION:**

Council President Bollin announced no formal action had been taken in Executive Session. Councilor Roderick motioned to seal the minutes of Executive Session, seconded by Councilor Leonard. Vote was unanimous.

**ADJOURNMENT:**

Councilor Roderick motioned to adjourn, seconded by Councilor Leonard. Motion passed unanimously.

Council adjourned at approximately 9:25p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk

